

17263-62618 (15270.75):JVD:1061035

REMARKS

Reconsideration of the present application is respectfully requested.

Applicant has amended claims 84 and 86 and cancelled claim 85. Applicant has added new claims 87-96, which includes one of the elements from cancelled claim 85. Applicant respectfully requests entry of these amendments. These changes to the claims do not add any material that requires examination.

The rejections Under 35 U.S.C. § 102.

Claims 84-86 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,327,754 to Belmont. Applicant respectfully disagrees with this rejection. Applicant has amended claims 84 and 86 to more distinctly claim the invention, and Belmont cannot anticipate these claims. As will be discussed below, claims 84 and 86 include fusing a portion of the interlockable profiles. In clear contrast, profiles 26 and 32 of Belmont are never shown or described as being fused together (see FIGS. 1, 2, 3a, 4, and others) and indeed if Belmont were modified to include fusing of profiles 26 and 32, Belmont's slider 12 could not be installed.

Applicant has cancelled claim 85 without prejudice to its consideration in a continuing application. Further, Applicant has amended claim 84 to include fusing a portion of the interlockable profiles of the fastener strips. Applicant has amended claim 86 to include that the interlockable profiles of the fastener strips are fused together at a plurality of positions. None of these amendments add new material.

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In paragraph 3 of the Detailed Action, it is stated that the interlocking fastener strips are attached to the web of flexible film "after the fusing at a plurality of locations." The Detailed Action cites column 5, lines 10-13 and 16-25 for support of this statement. Applicant respectfully asserts that a fair reading of this portion Belmont does not support the rejection.

This support for the rejections is found within a portion of Belmont, beginning in col. 4, line 23 that pertains to actions taken in a form, fill, and seal process, on an assembled bag, and after the fastener strips have been attached. Nowhere does Belmont show end terminations or stops being added to the fastener prior to the form, fill and seal process. Indeed Belmont states that one of the purposes of these terminations is to "resist stresses applied to the profiles *during normal usage* of the plastic bag," (col. 5, lines 10-15; emphasis added).

Elsewhere, Belmont refers to joining the zippers together at notch 63 (col. 7, lines 31-34). A fair reading of Belmont indicates that this attachment is limited to the notch 63 and explicitly not to the fastener profiles. Belmont teaches that it is preferable to not "flatten or crush the profiles 26 and 32 of the fastener 14" (col. 4, lines 50-57). **No where does Belmont show fusing of his profiles. Applicant respectfully requests citation of the column and lines numbers, or figure, which show fusing of the profiles.**

Fusing the profiles of Belmont would make slider attachment impossible. Belmont notes that his notches 63 "allow the slider to slidably mount the fastener" (col. 6, lines 45-49). This need for uncrushed profiles is reiterated in U.S. patent application Serial No. 09/307,937 (which Belmont cites for describing in detail the application of the slider: Belmont, col. 6, lines 38-45). This other application (now U.S. Patent No. 6,286,189) likewise indicates that "the profiles do not need to be flattened" ('189 patent, col. 4, lines 47-50). This reference document further

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indicates that locating the notches near the ends of the package may "eliminate the need to fuse the male and female profiles 28, 34 together" ('189 patent, col. 4, lines 54-58).

In contrast to these descriptions within Belmont:

Claim 84 (as amended) includes attaching the fastener strips to the web after fusing the interlockable profiles of the fastener strips at a plurality of locations.

Claim 86 (as amended) includes a pair of interlockable fastener strips for subsequent attachment to flexible film, the interlockable profiles of the fastener strips being fused together at a plurality of positions.

Belmont never discloses fusing together the interlockable profiles of the fastener strips at a plurality of locations at any time prior to their attachment to the wall panels. Fusing of the profiles would interfere with slidable mounting of the slider to the fastener. Belmont states that his end terminations resist stresses during normal usage of the plastic bag. Belmont's end stops are provided during the form, fill and seal process.

Applicant has amended claims 84 and 86 to more distinctly claim the invention. Belmont does not anticipate these claims, and withdrawal of the rejections is requested.

New Claims.

Applicant has added new dependent claims 87-96. Claims 87 and 88 depend on claim 86 and claims 89-96 depend from claim 84. No new matter has been added by these claims.

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CLOSING

Applicant has canceled claim 85, amended claims 84 and 86, and added new claims 87-96. Applicant respectfully requests allowance of pending claims 84, 86-96.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede any basis for rejections or objections in the Office Action. For those rejections based upon a combination of references, there is no admission that the cited combinations are legally permitted, properly motivated, or operable. Further, with regards to the various statements made in the Office Action concerning any prior art, the teachings of any prior art are to be interpreted under the law. Applicants make no admissions as to any prior art. The remarks herein are provided simply to overcome the rejections and objections made in the Office Action in an expedient fashion.

The undersigned welcomes a telephonic interview with the Examiner if the Examiner believes that such an interview would facilitate resolution of any outstanding issues.

Respectfully submitted

By: 

John V. Daniluck, Reg. No. 40,581
Bingham McHale LLP
2700 Market Tower
10 West Market Street
Indianapolis, Indiana 46204
(317) 968-5529 (telephone)
(317) 236-9907 (facsimile)

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